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Attorneys for Defendant
Google Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational
Plaintiff, BETTY MILES, JOSEPH
GOULDEN, and JIM BOUTON, on behalf of
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)

ECF Case

**DECLARATION OF DANIEL CLANCY
IN SUPPORT OF GOOGLE INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Daniel Clancy, declare as follows:

1. I am a Engineering Director at Google Inc. I make the following declaration based on my personal knowledge and, if called upon to do so, could testify competently to the matters set forth herein.

2. The Google Books program began in 2004 with the scanning of book collections belonging to the University of Michigan, Harvard, Stanford, Oxford, and the New York Public Library. As part of Google Books, Google scans books in certain library collections, indexes them, and returns information about those books, including short “snippets” of text—about an eighth of a page—so that users can search for and find books they may wish to purchase or check out from a library.

3. On each page that shows snippets, Google provides links to buy the book on various online bookstores, such as Amazon.com, and to find it in a nearby library. There are no advertisements on these pages, and Google does not receive payments from the bookstores in connection with the “buy the book” links.

4. Google has scanned more than twenty million books as part of Google Books. Users of Google Books can see search results that include snippets of text in English for more than four million of these books.

5. Almost every conceivable type of book is included within Google Books, from novels to telephone directories to historical works to children’s picture books. Google’s service enables these books to be found in a way that would otherwise be impossible. Users may thereafter buy the book in a bookstore or locate it in a nearby library.

6. Google also has a Partner Program, pursuant to which publishers provide Google with authorization to display larger excerpts of works. Through the Partner Program, Google

displays full pages from books in response to users' search queries. More than 45,000 publishers have chosen to participate in the Partner Program in order to make their works easier to find and purchase, and over 2.5 million books are included within the Partner Program.


7. Google has a policy of removing books from snippet view; upon request from an author or other rightsholder, Google will remove books from snippet view, and provides a simple web form for making such a request. If a book is not yet in snippet view, the form can be used to request that Google not scan the book, and Google has a policy of accommodating these requests. None of the plaintiffs named in this action has made such a request to remove his or her book from snippet view, nor has any submitted a request that their books not be scanned.

8. For books in "snippet view," Google only displays snippets, and displays only up to three snippets in response to a given search query, even if the search term appears on dozens of pages in the book. The snippets are intended to provide enough context to determine whether the book contains information of interest to the searcher, but not to act as a replacement for the book itself.

9. Google does not display snippets of dictionaries and similar reference works.

10. Google puts numerous safeguards in place to ensure that users cannot, even in the aggregate, view a full page of a snippet-view book, or even several contiguous snippets—for example, by making the placement of snippets in a page fixed, by displaying only one snippet per page in response to a given search, and by "blacklisting" one snippet per page and one out of ten pages in a book.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 7, 2012, in Mountain View, Ca



Daniel Clancy